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10/052,284

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William Swinton

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EXAMINER

BATES, KEVIN T

ART UNIT

PAPER NUMBER

2153

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/052,284

Applicant(s)

SWINTON ET AL.

Examiner

Kevin Bates

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-42, 44-61 and 63-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-42, 44-61 and 63-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

This Office Action is in response to a communication made on October 3, 2007.

Claims 1-20, 43 and 62 have been cancelled.

Claim 21 has been amended.

Claims 21-42, 44-61 and 63-70 are pending in this application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-42, 44, 46-48, 51-61, 63-65, and 67-70 are rejected under 35 U.S.C. 102(e) as being anticipated by Zintel (6725281).

Regarding claims 21 and 67, Zintel teaches a media capture device system, the system comprising:

A media capture device with a logical user interface supported at least in part by a second device and hardware components of the second device, where the second device includes a user perceivable interface (Column 6, lines 24 – 37; Column 10, lines 48 – 51; wherein the hardware element is controlling the display on the second computer to create a user-perceivable interface to control the media-capture device);

a module on board the media capture device for determining one or more logical user interface elements of the media capture device that are supported by the second

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device and that can cause one or more user-perceivable interface elements of the second device to be activated, when the media capture device is coupled with the second device (Column 14, lines 49 – 59; Column 20, lines 17 – 24);

a module for generating at least one high-level event message indicating that an event has occurred that is relevant to the media capture device (Column 28, lines 30 – 37);

a router on-board the media capture device for determining whether said at least one abstract message is handled locally at the media capture device or remotely at the second device (Column 28, lines 64 – 67);

a mapper on-board the media capture device for mapping said at least one high-level message into at least one lower-level message (Column 29, lines 4 – 12) for controlling one or more hardware elements controlled by the second device (Column 6, lines 24 – 37; Column 10, lines 48 – 51; wherein the hardware element is controlling the display on the second computer to create a user-perceivable interface to control the media-capture device); and

a module on board the media capture device for communicating said at least one lower-level message to the second device, such that the second device may activate one or more hardware elements; and activate one or more user-perceivable interface elements on the second device that are appropriate for said event that has occurred (Column 29, lines 23 – 29).

Regarding claim 51, Zintel teaches an interface system allowing a client device to be partially supported by a host device (Column 48, lines 58 – 61), the system comprising:

a module on board the client device for determining one or more logical user interface elements of the media capture device that are supported by the host device and that can cause one or more user-perceivable interface elements of the host device to be activated, when the client device is coupled with the host device (Column 14, lines 49 – 59; Column 20, lines 17 – 24);

an onboard interface engine on the client device for generating at least one high-level event message indicating that an event has occurred on the client device (Column 28, lines 30 – 37);

a router in the client device to determine whether the at least one high level event message should be handled locally at the client device or remotely at the host (Column 28, lines 64 – 67);

a state transition table to the client device transition to a new state based at least one high level event and the client device's present state (Column 8, lines 53 – 60); and

a module to update the client device's current state information (Column 11, lines 18 – 21); and

a mapper for mapping said at least one high-level message into at least one lower-level message (Column 29, lines 4 – 12) for controlling one or more hardware elements controlled by the host device and for triggering the activation of one or more user-perceivable interface elements on the host device (Column 6, lines 24 – 37);

Column 10, lines 48 – 51; wherein the hardware element is controlling the display on the second computer to create a user-perceivable interface to control the media-capture device).

Regarding claim 22, Zintel teaches the system of claim 21, wherein said media capture device is temporarily connected to said second device (Column 4, lines 13 – 22).

Regarding claim 23, Zintel teaches the system of claim 21, wherein media capture device is permanently connected to said second device (Column 43, lines 51 – 56, wherein the second computer subscribes to all notifications by the media capture device).

Regarding claim 24, Zintel teaches the system of claim 21, wherein said media capture device connects to said second device via wireless communication (Column 43, lines 51 – 56).

Regarding claim 25, Zintel teaches the system of claim 21, wherein said media capture device connects to said second device via wireline communication (Column 43, lines 51 – 56).

Regarding claim 26, Zintel teaches the system of claim 21, wherein said media capture device comprises a client device that is hosted by said second device (Column 4, lines 13 – 22).

Regarding claim 29, Zintel teaches the system of claim 21, wherein said media capture device also includes hardware elements capable of being controlled by said at least one lower-level message (Column 48, lines 58 – 61).

Regarding claim 31, Zintel teaches the system of claim 21, wherein said at least one high-level message is a logical user interface message indicating a logical user interface manifestation that should occur (Column 6, lines 24 – 37; Column 10, lines 48 – 51).

Regarding claim 32, Zintel teaches the system of claim 21, wherein said at least one high-level message itself does not specify activation of particular hardware elements on the second device (Column 28, lines 30 – 37, where event notifications do not specify any hardware elements).

Regarding claim 33, Zintel teaches the system of claim 21, wherein said at least one lower-level message does specify activation of one or more particular hardware elements on the second device (Column 28, lines 30 – 37, where event notifications do not specify any hardware elements).

Regarding claim 34, Zintel teaches the system of claim 21, wherein said media capture device comprises a client device and wherein said second device comprises a host device to which the client device occasionally connects (Column 5, lines 39 – 48).

Regarding claims 36 and 68, Zintel teaches the system of claims 21 and 67, wherein said event comprises a user event (Column 27, lines 24 - 67).

Regarding claim 37, Zintel teaches the system of claim 36, wherein said user event comprises user-supplied input (Column 27, lines 24 – 67).

Regarding claims 38 and 61, Zintel teaches the system of claims 36 and 60, wherein said user event comprises use activation of an input element (Column 27, lines 24 – 67).

Regarding claim 39, Zintel teaches the system of claim 38, wherein said input element comprises an input button (Column 44, lines 33 – 37).

Regarding claims 40 and 59, Zintel teaches the system of claims 38 and 58 wherein said input element resides on the client device (Figure 5, elements 320).

Regarding claims 41 and 60, Zintel teaches the system of claim 38, wherein said user input element resides on said second device (Column 44, lines 33 – 37).

Regarding claim 42, Zintel teaches the system of claim 41, further comprising: a module for transmitting a notification to said first device in response to user activation of said user input element residing on said second device (Column 27, lines 24 – 67).

Regarding claims 44 and 63, Zintel teaches the system of claims 21 and 51, wherein said at least one particular hardware element comprises an element capable of generating a display (Column 6, lines 24 – 37; Column 10, lines 48 – 51).

Regarding claim 46, Zintel teaches the system of claim 21, wherein said at least one particular hardware element comprises a bitmap display (Column 6, lines 24 – 37; Column 10, lines 48 – 51).

Regarding claims 52 and 55, Zintel teaches the system of claim 51, further comprising an event handler for communicating said at least one lower-level message to the second device, such that the second device may activate one or more hardware elements that are appropriate for the event that occurred (Column 6, lines 24 – 37; Column 10, lines 48 – 51; wherein the hardware element is controlling the display on the second computer to create a user-perceivable interface to control the media-capture device).

Regarding claim 57, Zintel teaches the system of claim 51, wherein the high-level message is a user interface message designed for display to a user (Column 6, lines 24 – 37; Column 10, lines 48 – 51).

Regarding claims 27 and 53, Zintel teaches the system of claims 21 and 51, wherein said first device includes media capture capability (Column 48, lines 58 – 61).

Regarding claims 30 and 56, Zintel teaches the system of claims 21 and 51, wherein said at least one high-level message is generated, at least in part, based on a then-current state of the first device (Column 8, lines 53 – 60; Column 11, lines 18 – 21).

Regarding claims 47 and 64, Zintel teaches the system of claims 46 and 63, wherein said bitmap display shows an icon in response to receipt at the second device of said at least one lower-level message (Figure 15).

Regarding claims 48 and 65, Zintel teaches the system of claims 21 and 51, wherein said at least one particular hardware element comprises an element capable of generating sound (Column 44, lines 43 – 45).

Regarding claims 58 and 69, Zintel teaches the system of claims 51 and 68, wherein the event comprises a user event selected from among the following: a user supplied input, a user activation of an input element; a status change (Column 27, lines 24 – 67)..

Regarding claims 35 and 70, Zintel teaches the system of claims 21 and 67, wherein said module for generating at least one high-level event message determines a new state that is appropriate for the first device to transition to; and generates at least

one high-level message appropriate for indicating the transition to said new state (Column 8, lines 53 – 60; Column 11, lines 18 – 21).

Regarding claims 28 and 54, Zintel teaches the system of claims 21 and 51 wherein said second device includes cellular phone capability (Column 6, lines 62).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zintel.

Regarding claim 49, Zintel teaches the system of claim 21.

Zintel does not explicitly indicate that said first device may be embedded within said second device.

Examiner takes Official Notice (see MPEP § 2144.03) that "a plug and play devices, like those found in Zintel may be embedded within a host device". The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03, namely, "if applicant traverses such an assertion, the examiner should cite a reference in support of his or her position". However, MPEP § 2144.03 further states "See also *In re Boon*, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the

judicial notice)." Specifically, In re Boon, 169 USPQ 231, 234 states "as we held in Ahlert, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or repute of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

Claims 50 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zintel in view of Armga (6390371).

Regarding claims 50 and 66, Zintel teaches the system of claims 21 and 51.

Zintel does not explicitly indicate said module for communicating said at least one lower-level message to the second device employs a configurable table so that the second device itself may be selected from different classes of devices.

Armga teaches a system of using a client computers capabilities and determining how to create a display that will work with a variety of client devices (Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Armga's teaching in determining what type of display should be used depending on the type and capabilities of the client device in Zintel's system so that the variety of client devices can take full advantage of all the features in the media capture device.

Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zintel in view of Cortjens (5526037).

Regarding claim 45, Zintel teaches the system of claim 21.

Zintel does not explicitly indicate said at least one particular hardware element comprises an LED (light-emitting diode).

Cortjens teaches the system of claim 21, wherein said at least one particular hardware element comprises an LED (light-emitting diode) (Column 12, lines 53 – 67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Cortjen's teaching of a blinking LED with status updates in order to better alert the user of changes to the controlled device in Zintel.

Response to Arguments

Applicant's arguments filed October 3, 2007 have been fully considered but they are not persuasive.

The applicant argues that the Zintel reference does not teach a router on the media capture device, that the message notification system is not within the controlled device, or that the controlled device activates hardware on a second device. The examiner disagrees, as seen in Column 6, lines 48 – 64, the controlled device sends event messages to the control points and only to the control points. This is the same as routing messages to those control points, even if you want to consider these message events as being broadcasts, there are still messages being routed onto the network. With the idea that the router is not located within the controlled device, as seen in Column 6, lines 48 – 64 and Figure 5, elements 106, 308, and 234 that within the controlled device (106), the event server (308) creates and sends the events to the user

control points (104). Regarding the idea that Zintel does not activate hardware on a second device, the controlled device as shown in Column 29, lines 23 – 29, sends out interface messages that trigger the user control points to update their displays, thus using messages to trigger hardware on the second device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Kevin Bates

October 18, 2007